

Annex III

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May 3, 1961

U.S. POLICY TOWARD CUBAN EXILES

THE PROBLEM!

To propose a positive U.S. policy toward Cuban exiles, both paramilitary and civilian, in the United States.

COURSES OF ACTION

It appears that the United States has open to it three possible courses of action in its future policy toward Cuba:

1. Intervene militarily based on Cuban provocation, either induced or stemming from Castro's irrational acts.
2. Take all feasible measures short of overt military action to hasten the downfall of the Castro regime.
3. Assume the continued existence of the Castro regime, and seek to isolate and contain it.

In the event that the United States adopts the latter course of action, which while implying a hope for the eventual downfall of Castro would actually be reconciled to his continued existence, our only realistic policy with regard to the Cuban exiles is to scatter them throughout the United States and integrate them within the U.S. society in the shortest possible time so that they do not constitute a refugee problem. This task is a perfectly straightforward one and the Department of Health, Education and Welfare is quite competent to deal with it. It is perfectly clear that there is no requirement for training leaders, for preparing special

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E.O. 11652, SEC. 3(E), 5(D), 5(E) AND 11

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educational measures for the Cuban exiles or for forming a Free Cuban Brigade in the event that this policy is adopted.

This paper, however, is written on the basis that one or the other of the first two choices is adopted. Thus, the conclusions on page 11 are valid only if the United States adopts a positive policy aimed at the early establishment of a free and democratic Cuba.

GENERAL CONSIDERATIONS

Adequate planning for the demise of the Castro regime must include measures to gain the support of the Cuban people. It must also make provision for an initial successor government. In the ordinary course of political change-over these two tasks would be carried out by organized opposition groups operating within the country. But the situation in Cuba is not ordinary. The ruthless efficiency with which Communist states destroy the very roots of domestic resistance suggests that the longer Castro remains in power the less likely is there to be available within Cuba an effective opposition group and especially one ready and able to take over the reins of government.

Under these circumstances the base of any organized resistance to the Castro regime, together with the nucleus of a provisional successor government, must be located outside of Cuba. However, its personnel must be Cuban citizens who are dedicated in their opposition to Castro and who have and can maintain close ties with dissident, even if suppressed and

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inarticulate, elements within Cuba for whom they can speak and act and upon whose cooperation they can count.

A source of such people already exists. There are approximately 116,000 Cuban aliens in the United States. They are for the most part educated, middle class Cubans, 25 percent of whom have had professional training. Deeply patriotic and proud, their greatest desire is to help defeat Castro and return to their native soil. As a group, they represent an asset which the United States can and should use, even though to do so will not be easy or simple.

THE STATUS OF THE EXILES

By far the most difficult problem in utilizing the individual capacities of the Cuban exiles is establishing a sound basis on which to treat with them as a group. The crux of the matter is their relationship to their fellow-citizens who have not escaped from Castro. There are many obstacles in the way of constituting their leaders as a legitimate government-in-exile, since they have not in the recent past wielded authority in Cuba. More importantly, with the passage of time, such right to speak for the people of Cuba as they can now claim may prove to be a wasting asset, unless they act to conserve and even increase it. To do so will require them to maintain the closest possible identification with the dissident elements in Cuba and the aspirations of the Cuban people. It will require them to support an interchange of personnel with guerrilla forces remaining in Cuba. In addition, although their main base will be in the U.S., it will be helpful to establish and maintain a nominal headquarters somewhere on Cuban soil, and to operate from it as

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much as possible. Finally, it will require them to curb their individual political ambitions and be content to act as no more than a provisional government until such time as the whole Cuban people can choose their government and the program they wish it to pursue. In short, while it is important that some way be found for the U.S. to deal with this group as the legitimate voice of free Cuba, it is even more important that they become such in fact, especially in the minds of the Cuban people.

THE PRIMARY TASK

If the status and organization of the exiles as a group can be worked out, there will remain less knotty but still considerable problems. The primary one is the identification, selection, and training of those individuals who can make a constructive contribution the future of Cuba. From this group, we would expect that a fair proportion of the civilian and military leadership of a post-Castro government would emerge.

Judging from the high proportion of professional men among the refugees, it seems likely there will be no particular difficulty in finding competent personnel to staff the civilian agencies of a Cuban government. Considerably more difficulty may be anticipated in finding appropriate personnel for the internal security functions and the highest levels of administration as well as leaders of trade unions and agrarian organizations. With regard to individuals aspiring to major roles in a post-Castro regime, it will be necessary for them to work closely with the freedom fighters in Cuba and at some point to establish their position of leadership through actual performance in the field.

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SECONDARY TASKS

Not all of the refugees can be utilized in this effort. For those who cannot, some provision must be made. Those who do not wish to return to Cuba should be absorbed into U.S. society through a positive resettlement program based on the one now underway through the Department of Health, Education and Welfare. For the remainder who wish to return to Cuba but can play no initial role in a replacement government, some partial integration into American life may be the best solution. This must be accomplished in ways which will enable them to maintain their group identity as well as emotional and political ties with Cuba itself against the day of their return.

THE NEED FOR SECURITY

It is highly probable that the Cuban exiles in America are heavily infiltrated with Castro and Batista agents. One of the most immediate needs, therefore, is for the development of an effective and continuing security program to remove such agents and to safeguard the covert activities of the exile group. Each element of the U.S. government dealing with the exiles must set up appropriate safeguards and security checks to exclude Castro and Batista agents from the program.

THE CONTROL OF EXILE MOVEMENT

Associated with internal security of agencies dealing with exiles is the need to control the flow of Cubans into and out of the United States. A program has been developed by the U.S. Immigration Service and is presented as a recommendation in Annex A hereto. Control is based

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on cancellation of all entry visas after 30 days and insistence upon registration as refugees or their permanent departure from the United States.

RESPONSIBILITY FOR PROGRAM

The military, humanitarian, security and political implications of any program undertaken for the relief and utilization of the Cuban exiles indicate at least five U.S. Governmental Departments as having important interests. It is essential that one of the five be designated as having primary responsibility for the detailed implementation of the program to include major policy decisions, administrative supervision, and provision of funds. This same department should be charged with seeking any needed legislation and with defending the program before Congress. It is suggested that the Secretary of Health, Education and Welfare be placed in charge of the program with full authority for its implementation. The Secretary of Health, Education and Welfare should be assisted as necessary by the Department of State, the Department of Defense, the Attorney General, and the Central Intelligence Agency.

OVERT NATURE OF PROGRAM

It is impossible to implement this program in a covert manner. Even without the current intense interest in Cuba, it would be difficult to conceal because large numbers of Cubans are involved, public hearings

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will be required before Congress to obtain necessary funds and the press will make every effort to learn the details of the program. The entire effort, therefore, should be planned on the basis that we are sponsoring free Cubans to prepare for a return to their country when they can resume their rightful place in a free and democratic society. No extensive publicity program should be planned but rather news stories should evolve naturally based on factual presentations of the program.

TRAINING AND WELFARE PROGRAM

The program to segregate, train and maintain a primary group of refugees with useful skills as well as to facilitate the integration of the bulk of Cuban refugees into American society will be extensive as well as diverse and will necessarily involve careful screening of personnel. The revised program of the Department of Health, Education and Welfare attached as Annex B is considered responsive to the needs of the majority of exiles. It will provide the essential financial aid, health, and welfare services required. Further, it will subsidize the resettlement and job placement of the exiles and will sponsor higher education and on-the-job training for those capable of advanced training.

Since it is essentially an extension and amplification of the present program, it will not assist materially in preparing the leadership element of the exile group to assume important posts in the post-Castro regime. However, it is an important aspect of the program and should be fully supported. See Annex B for details.

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MILITARY PROGRAM FOR REFUGEES

The Department of Defense proposes the following terms of reference for the armed services in developing a program of integration of Cuban refugees into a viable armed force. A "Brigade" of 4,000 will be constituted, consisting of approximately 500 Air Force, 500 Navy and 3,000 Army. All three service elements will be established in the southeastern part of the U.S. with a centrally located headquarters unit. Cuban armed forces will be trained and maintained primarily as units except for temporary assignment to U.S. service schools and units for technical and leadership training.

Development of the plan for such a Cuban Brigade are included in Annexes C, D and E hereto. The Brigade can be organized within the U.S. armed forces. It may be necessary, however, to make special provision for the Air Force component since a particular problem in handling the pilots of such a force might mean that only non-combat units could be effectively integrated into the U.S. Air Force.

Special training could be provided by U.S. Army schools to both individuals and units in the concepts and practice of civil affairs and military government, tailored as necessary to the needs of post-Castro Cuba, if such are needed. Detailed plans are available and would entail the organization of about 500 men into six Civil Affairs units, considered capable of administering the national government in Havana and the other five provinces.

GOVERNMENTAL PERSONNEL REQUIREMENTS

Statistics are not immediately available, but indications are that the Castro regime employs considerably more personnel than that of Batista. A successor government would probably employ a total somewhere

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between the two. Inasmuch as the Revolutionary Council and persons associated therewith include several former Cabinet Ministers, their advice should be sought as to the personnel needs which may be anticipated.

Cuban Government offices may be expected to require staffs which are larger, different in type and possessed of superior levels of skills than those of the pre-Castro era. This would be especially true of such ministries as Education, Agriculture, Industry and Social Welfare. Even though many of the exile groups include persons with technical training and job experience, they will require the maintenance or retraining and upgrading of their skills to fill the foreseeable needs of a post-Castro administration. Throughout the entire government there will be an important need for training in public administration.

To close the gap, there is a clear and urgent need for a positive program of training Cuban refugees in business and trade schools, in American universities, and in on-the-job training in comparable U. S. and local agencies at a level appropriate to their future responsibilities. Such a program, vigorously administered, should go forward without delay.

PROBABLE REACTION OF CUBAN REFUGEES AND SUPPORT EXPECTED

The overwhelming majority of anti-Castro exiles in this country hope for an early overthrow of the Castro regime. The exiles feel and believe that this is realizable; thus they are prepared, each on his own level, to contribute to and participate in actions necessary to achieve the objective for a free, democratic Cuba which would mean their return to the Island. Most of these Cubans are convinced that U. S. leadership and active participation in this struggle are essential for success.

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Therefore, they can be expected to follow and support the U. S. in any venture promising an early elimination of Castro. Direct contacts with invasion survivors and other returnees indicate that there is disappointment, hurt and uncertainty as to why the U. S. did not come to the aid of the freedom fighters; however, there is no question that these personnel are prepared and anxious to continue the fight in partnership with the U. S. Exile political leaders also are anxious to continue to press the crusade.

The foregoing general statement must be viewed against the actual character of the Cuban exile community here. This community is unified only in one respect, that is to say it wants to get rid of Castro. It is much divided, however, as to political and economic philosophies and as to how Castro's government can best be eliminated. The spectrum of exiles in the U. S. runs from the extreme right, to the moderate, to far left; it covers those who advocate direct U. S. intervention and those who believe that the job must be done by underground work in Cuba alone. These differences have found their expression in a great many splinter groups maneuvering for position not only among themselves but also for exclusive U. S. support. Cuban exile leadership needs overt U. S. official leadership which should be rather specific in terms of the type of Cuban government, military and public services the U. S. would find acceptable. The U. S. should also be specific as to the organizational mechanism through which and with which the U. S. intends to work.

If such U. S. leadership is forthcoming and if under such terms of reference the Cubans, presumably the Revolutionary Council, are given

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the responsibility to shape their own destiny, it can be expected that the majority of Cuban exiles will fall in line and support, both by words and deeds, anti-Castro programs.

BASIS IN INTERNATIONAL LAW

The Office of General Counsel of the Department of Defense has submitted an opinion that preparing Cuban refugees for an eventual return to a free Cuba, after the fall of the Castro regime, by overtly training them to assume control of the government, the armed forces and the public services, can be undertaken within the framework of customary international law, where such training is not for the purpose of an armed attack against Cuba. In their judgment, there are no bilateral or multilateral agreements to which the United States is a signatory which pose a legal bar to the actions outlined above.

These conclusions are unaffected by whether the anti-Castro forces are accorded belligerent status or their leaders are recognized as a Provisional Government.

PROGRAM SUPPORT

To carry out this policy will require new money and perhaps new authority. The support of Congress and the American people must, therefore, be sought actively. This is particularly urgent since the unprecedented nature of the problem may demand modifications or interpretations in both domestic and international law. In this latter regard, efforts to obtain its acceptance by friendly nations should also be undertaken.

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As to its administration within the U.S. Government, the importance and complexity of the program indicate that it is a task for the government as a whole. By the same token, unified, imaginative direction will be required for its successful implementation. With regard to the refugees themselves, if they can develop and maintain a functioning central organization, it would be of tremendous assistance to the overall program.

CONCLUSIONS

1. A significant number of Cuban exiles in the United States can play a major role in the replacement of the Castro regime with a free and democratic government.
2. The United States, through a program especially developed for the purpose, can capitalize on the resource these exiles represent.
3. Ideally this program should have three facets: One would identify and train potential top leadership and key bureaucratic personnel for a post-Castro government; a second would prepare armed services components for such a government; while the third would provide relief and resettlement assistance to those exiles not covered by the two categories above.
4. As long as the United States does not develop the exiles as a fighting force for employment against the Castro regime, a program for their support would not conflict with customary international law or U.S. international agreements.

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5. Effective measures to identify and remove both Castro and Bastista agents from the exile group as well as steps to control the movement of Cuban nationals in the United States are required.

6. Although the active cooperation of at least five Departments of the U.S. Government will be involved, the major responsibility for the program should be assigned to one. This responsibility should include seeking any needed legislation and defending the program before Congress.

7. The program must be conducted on an overt basis, but publicity should be minimized so far as possible.

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ANNEX A

CONTROL OF EXILE MOVEMENT

1. As of 1 April 1961 the total Cuban alien population in the United States was 116,700, broken down as follows:

	<u>Nation</u>	<u>Florida</u>
Immigrants (Permanent residents)	65,000	26,000
Visitors, students, etc., in status	29,500	20,000
Refugees	<u>22,200</u>	<u>13,600</u>
	116,700	59,600

We continue to inspect and to admit temporary visitors and students from Cuba. These alien Cubans had been issued visas (stamps placed in their Cuban passports) by the United States Consular Service up until the time of the break in relations. Most of these visas were valid for a period of four years from date of issuance and provided for multiple entries into the United States during the period of validity. It is estimated that approximately 100,000 such multiple entry type visas are outstanding.

2. Since no current information can be obtained about given individuals in Cuba, the Service has honored every request for refugee status and no Cuban has been returned to Cuba against his will since January 1959, when the Batista regime fell.

3. Most refugees still live in a hope and expectation that they will return to Cuba when governmental sanity is restored. They represent in large part the professional middle class. To give them permanent residence now is not to their advantage or to the long range interest of this country or to Cuba. As refugees they have the rights and privileges of resident aliens except that their residence cannot be computed for citizenship purposes and they may not leave and re-enter the United States at will.

4. Following the break with Cuba, the Secretary of State published regulations preventing the departure from the United States of any U.S. citizen or permanent resident alien except on the express approval of the Secretary of State. Since January 19, 1961, through April 22, 1961, the following have departed:

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United States citizens (with permission)	192
Cuban resident aliens (with permission)	425
Resident aliens who elected to abandon residence	328

5. In order to restrict the hitherto unrestricted international movement of Cuban nationals with consequent flow of vital information to the Castro government, the attached recommendations are made to strike a balance between our national security interests and our sympathy for the true refugee.

Recommendations

1. Cuban holders of visitors visas who apply for admission to the United States and who seek temporary admission shall be admitted for a maximum period of one month. Those who seek refugee status at time of admission shall be paroled into the United States indefinitely (sec. 212(d) (5) of the Act).

2. At the time of admission all visitors visas shall be cancelled. Those presently in the United States as visitors shall have their visas cancelled at the time of departure.

3. At the expiration of one month Cuban visitors who do not desire to return to Cuba may be given refugee status on application therefor.

4. All applicants for refugee status shall be fingerprinted and biographical data furnished with the prints to the FBI. Biographical data shall be furnished to other selected intelligence and law enforcement agencies.

5. On receipt of information from a reliable source that a Cuban national is engaging in activity in support of the Castro Government formal deportation proceedings shall be immediately instituted under the administrative warrant of arrest.

6. No Cuban national shall be issued an immigrant visa during the existence of the present Castro regime.

7. Legislation shall be sought to confer permanent resident on any Cuban national who shall have resided in the United States for a period of five years subsequent to January 1, 1959 and been physically present in the United States during that period, retroactive to the date of his actual entry.

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8. Permission for United States citizens to depart for Cuba under Department of State Regulations (22 C.F.R.53) and for resident aliens to depart (22 C.F.R.46) shall be authorized only after full interrogation and investigation by Immigration Departure Control Officers, upon Department of Justice recommendation, and solely for reasons deemed strictly in the national interest.

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ANNEX B

REVISED CUBAN REFUGEE PROGRAM

Department of Health,
Education and Welfare

April 29, 1961

I. . OBJECTIVE

To facilitate the melding of the Cuban refugees into American life, in a useful and self-supporting role; to preserve or increase their skills and professional attainments to the end that they as individuals may live more satisfying lives and be a source of trained manpower available to meet the needs when opportunity arrives to return to a free Cuba.

II. CONTENT OF PROGRAM

It is proposed to accomplish the objective by federally financed programs as follows:

- A. Basic program of financial aid, health and social services.
- B. A program of aid in education and training.
- C. A program of resettlement and job placement.
- D. An informational program.

III. GEOGRAPHICAL AREAS INCLUDED

Eligibility for this program would extend only to Cuban refugees who register at the Center in Miami except as otherwise indicated herein.

IV. ACTION PROGRAM

- A. It is proposed that the Department of Health, Education and Welfare be designated as the Agency responsible for carrying out this program and that it receive appropriate delegations of authority and allocation of funds.
- B. Implementation would be accomplished by 1. continuation of the Emergency Cuban Refugee program already in operation (see summary description which follows), and 2. by an expansion of this program as subsequently indicated.
 1. Continuation of the present program * which consists of:
 - a. Cuban Refugee Emergency Center. A center is operated Miami where refugees may register in order to become eligible for federally supported refugee aid and services.

*This program established in early December 1960 and expanded in late January 1961 has involved the registration of approximately 26,000 refugees. If extended on a current basis through June 30, 1961 it is estimated to cost somewhat in excess of \$4 million dollars. Five million dollars of Mutual Security funds were made available for the program.

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- b. Resettlement--By contract with appropriately qualified voluntary agencies the Federal Government finances resettlement by paying transportation costs to the point of destination plus a service charge of \$60 per person resettled. Resettled refugees are also assured of financial aid in the event that unforeseen difficulties arise and they are assured help in returning to a free Cuba.
 - c. Financial Assistance--The Florida State Welfare Department administers, as agents of the Federal Government, a cash assistance program to needy refugees. It is based upon Florida welfare standards in order to assure the equality of treatment between refugees and our own nationals. Payments are made in relation to demonstrated need but may not exceed \$100 per month per family unit.
 - d. Health Services--(1) initial screening for contagious diseases and other health problems, (2) hospitalization, short term and long term, (3) emergency dental service, (4) school health clinic, (5) maternal and child health clinic, (6) out-patient hospital service.
 - e. Care of unaccompanied children--This is a classified project involving between 600 and 700 refugee children in foster homes and under group care.
 - f. Public education--Payments are made to the public school system (elementary and secondary) to defray part of the cost of providing education to refugee children; for construction of temporary classrooms needed in this connection; and for a limited program of adult education.
 - g. Surplus commodity distribution--Surplus agricultural commodities, as available, are distributed to needy refugees.
 - h. Research project--This is a small project designed to provide employment for refugee scholars in useful research.
2. Extension of Program
- a. Expand Facilities and Operation at the Cuban Refugee Emergency Center in Miami to Include Particularly Additional Counselling and Job Placement Specialists.

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Expand staff of the Miami Center as necessary to add specialists in providing vocational, job placement, and educational counselling and services, plus general advisory and welfare services.

Encourage proposals from outside sources which are designed to make it possible for the Cuban refugees to be effectively occupied and indicate our willingness to provide financial support on a much wider scale than heretofore. This would include such things as organized job placement service.

- b. Financial Assistance--The limitations in the existing program were established consciously in order to avoid public criticism that refugees were being dealt with more generously than our own citizens. In approximately 10 percent of the cases, particularly those with large families, the overall limits established fail to meet the basic needs. Consequently, the voluntary agencies have found it necessary to supplement some of these cases.

Even if we maintain the existing policy, a substantially larger budget will be needed for this item if the intensified resettlement effort is successful. As we get more and more people out into other communities inevitably a certain number will find that their expectations have not been fully realized and it will be necessary, as is now the case, to provide them cash assistance in their new location outside the Florida area.

- c. Resettlement--It may be necessary to increase substantially the \$60 allowance now made for overall resettlement costs in order that the refugee may have a bigger cash stake when he arrives in his new community.

Also the extending of resettlement activities to other areas in the United States seems indicated. If we are to be generous in providing the means for individuals who appear in Miami to go forward with their occupational or educational plans there seems to be no valid reason for not providing them the same resettlement service in other areas where they are living in substantial numbers.

- d. New York City Office--Establish a small central referral in New York City to be a focal point where consultation can be provided and where job placement and resettlement efforts can be supported on behalf of the fairly large number of refugees (second to Miami) who are located there.

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- e. Unaccompanied Children--Adopt an "open-end" budget for this item. In other words, undertake to support any unaccompanied qualified Cuban refugee child who comes to our attention regardless of the locality in which he is found or the auspices under which he was brought into this country. In addition to the maintenance costs, a small allowance to the voluntary agency meeting and making the arrangements for the child could be granted in a flat amount equal to the average out-of-pocket expenditure which needs to be made before these children reach their ultimate homes. This involves such items as money for meals, pocket money, telephone calls, items of clothing and the like.
- f. Public Health Activities--Extend the program to include payments for home visits of doctors, increased dental care and expanded dispensary services and drugs and medicines. Provide reimbursement for essential emergency health services for refugees who have been resettled.
- g. Grants to Public or Non-Profit Institutions or Agencies--Set up a program of grants to public or non-profit institutions or agencies which would keep qualified Cuban refugees busy and would preserve or increase their present skills and knowledge. In addition to the special education programming referred to below these could be projects which provide employment in research, study, or planning activities. Emphasis should be given to projects that are non-competitive and in the public interest.

A program such as this would encourage resettlement and would provide employment otherwise unavailable particularly for refugees with professional or semi-professional training. The projects would be such as to permit the refugees to establish themselves financially, to qualify them for future employment and to adjust to life in their surroundings. Example, the American Bar Association, in conjunction with Columbia University, has suggested that we finance a legal research and translation project which is regarded as having considerable merit but for which no supporting funds can be found.

- h. Summer Day Camps for Children--Funds would be made available for sending refugee children to existing day camps or for establishment of an additional camp or camps during the off-school season.
- i. Surplus Commodities--This program has only recently started but up to now the demand is not as great as was anticipated. Further extension of the program depends on cooperation from public

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agencies since arrangements for distribution of surplus agricultural products are required to be made by the Department of Agriculture and a State public agency. Efforts should be continued to make the commodities available to the local residents as well as to the refugees in order to eliminate criticisms of more favorable treatment for the refugees. Distribution now limited to refugees receiving cash assistance should be extended to those who are in need but who have not yet had to apply for cash assistance.

j. Education--

- (1) Vocational Training for Youth and Adults--Persons identified by the Center as being in need of post high school vocational training would be referred to area vocational schools having residential facilities for periods up to one year. Subsistence payments of perhaps \$200 a month would be made to the individuals, and State Boards of Vocational Education would be reimbursed on a cost basis for the expense of accommodating each. Where apprenticeship is appropriate, only an adjusted subsistence payment would be made available.
- (2) Adult Education--Educational provision should be made for adults who are satisfactorily employed and not adjudged to be in need for retraining or further vocational preparation. Their needs would fall in the general area of citizenship education, to help them adjust to their new environment. English, civics, and similar courses should be available to them without charge and under convenient circumstances. In population centers this would call for the subvention of evening classes, while correspondence courses might better serve those refugees who are dispensed throughout the country.
- (3) Assistance to College Students--It is estimated that approximately 800 Cuban students, including those who graduate from high school this year, will require assistance to attend college. It is recommended that these students be given sufficient assistance to meet fee costs at a typical United States institution of higher education (\$1,700.00) on a basis of half grant and half interest-free loan to be repaid within five years of college graduation. Counseling and referral of students would be handled at the Center, but measurement of financial need, payment of funds and collection of loans would be responsibility of the Office of Education.

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4. Programmed Research and Planning Projects--The Office of Education is now supporting at the University of Miami a project involving the development of plans for economic and social advancement for adoption by a provisional government in Cuba. Similar projects could be expanded to cover other fields and to take advantage of the special competency of other universities. Examples of areas in which research planning projects could be included are education, agriculture, health services, welfare, public utilities, communications, protective services, justice, cultural activities, labor and employment problems, governmental services, etc. The concept of such projects would be to assemble a group of ten or more qualified professional Cubans to study in depth the problems involved in a given area for the purpose of making ready a general (or even detailed) plan to aid a provisional government in assuming control of Cuba. The individuals employed on such projects could be payrolled at a nominal salary and the university taking on such projects could be reimbursed for additional costs they might have to assume in the way of faculty and administrative personnel. Suggested locations for such projects would be institutions which have developed some competencies in Latin American relationships, including the University of Florida, the University of Puerto Rico, the University of New Mexico, the University of Louisiana, the University of Wisconsin, Columbia University, and Harvard University. It would be desirable to achieve some degree of geographical dispersal.
5. Professional Training and Placement--A sizeable number of the Cubans have professional or technical backgrounds that can be used to advantage in economic pursuits in this country. The University of Miami is now training a sizeable number of Cuban doctors and Cuban lawyers to enable them to make adjustments to American standards and practices which they are supporting with private secured funds which may "dry up." This training could be extended to other professional, scientific, and technical fields, such as agronomy, nursing, engineering and architecture. Institutions would be reimbursed for additional faculty and administrative costs and encouraged wherever possible to employ Cubans as faculty members (salaries ranging from \$6,000-\$8,000 have been paid to Cubans at Miami University). In view of the placement problems involved in the accommodation of these professionals in the United States economy, it would be well to supplement such training programs with professional placement services at the Refugee Center. An intensive program of faculty placements should be established at the Miami Refugee Center (and New York) which should be

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augmented by an educational placement specialist. The roster of professional personnel now being prepared at the University of Miami should be transferred to the Center when completed and used to help place individuals and to provide a resource for location of specially needed skills for special projects.

A special problem that exists for the trainees at such institutions is the need to supplement their incomes to provide sufficient time for the training program and to avoid the necessity of employment (usually menial) during the training period which would necessarily limit the time available for professional study. It has been suggested that loan arrangements for trainees at the University of Miami would help.

6. Assistance for Children Attending Public Elementary and Secondary Schools--A program of assistance has been worked out for Fiscal Year 1961 to reimburse the Dade County public school system for providing elementary and secondary education to Cuban refugee children. There are other communities in the Miami area who have indicated an interest in this type of assistance. Extension of the program to other localities in Florida or elsewhere in the United States would provide some community inducement toward the acceptance of Cuban refugee families while not providing any direct assistance of a financial nature to the refugees themselves. If adopted, payments should be limited to communities which had a minimum number of such children, such as 30 or more, where it could be assured that an extra burden was placed on the school system. Per pupil payments can be estimated at about \$200 per year to cover one-half the cost of current expenses and debt service expenditures.
- k. Information Program--An affirmative information program staffed with appropriately qualified personnel would be established. It would engage in constructive information activities that mesh with and facilitate the programs heretofore described. It would be geared to serve the needs of both the refugees and the public generally. There would be no effort to sell programs beyond the natural level of acceptance they deserve on their own merits.
- l. Refugees interested in military service would be so channeled in keeping with instructions to be developed.

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April 29, 1961

ESTIMATED ANNUAL COST (FY 1962) OF PROPOSED
NEW CUBAN REFUGEE PROGRAM

Vocational Training for Youth and Adults	3,000,000
Adult Education	350,000
Assistance to College Students	1,370,000
Programmed Research and Planning Projects	1,100,000
Professional Training and Placement	500,000
Special Loans	150,000
Assistance for Children Attending Public Schools	1,250,000
Additional Administrative Expense of Center	100,000
Additional Financial Assistance	200,000
Additional Resettlement	280,000
Additional Unaccompanied Children	700,000
Additional Public Health	150,000
Establish New York Office	115,000
Grants to Public or Non-Profit Organizations	500,000
Summer Day Camps	150,000
Surplus Commodities	nominal
Total Annual Cost Additional Program	9,915,000
Annual Cost of Existing Program	14,000,000
Grand Total	23,915,000

NOTE: These are considered outside limits by the Secretary of the Department of Health, Education and Welfare.

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ANNEX C

U.S. ARMY SEGMENT OF A PROPOSED "FREEDOM BRIG DE"

1. General Concept. Overtly establish a "Freedom Brigade" in the U.S. Army of volunteers from among those Cuban refugees now located in the United States or the general Caribbean area. The volunteers would be inducted, formed into U.S. type units and given a modified program of individual and unit training. (See paragraph 3) U.S. leaders and technicians would be replaced as soon as Cuban leaders are developed and Cuban technicians adequately trained. The establishment of such a force would be in excess of the current Army strength ceiling and would require special funding. (See paragraphs 5 and 6)

a. The general concept could be modified to provide for the assimilation of individuals with previous experience or to envision the use of observers or liaison agents who, because of prestige or physical limitations, would be unable to undergo vigorous training activities.

b. The general concept could be modified to provide basic training for individuals or units which would be withdrawn subsequently for specialized training in military government, guerrilla, unconventional, or psychological operations.

c. The general concept could be modified to provide for intermittent receipt and integration of trainees as they become available.

2. Location. The unit should be located at an installation where adequate facilities can be made available quickly and administrative, and logistical requirements can be satelited on an established operating installation. It appears desirable to locate the "Freedom Brigade" in the southeastern part of the United States at a site which could serve as a location for all elements of the Cuban armed forces as well as any elements being trained in military government or special warfare functions.

a. A survey of installations now under U.S. Army control indicates that the following will meet the general criteria indicated above:

Fort Bragg, North Carolina
Fort Benning, Georgia
Fort Gordon, Georgia
Fort Rucker, Alabama

b. Civil affairs and military government training is now conducted at Fort Gordon, Georgia and it is envisioned that military government training of Cubans would be conducted there. Although Fort Bragg, North Carolina is the location of the Special Warfare Center, it is also

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the location of the XVIII Airborne Corps, the 82d Airborne Division and other STRAC units. Security implications should be considered fully prior to the location of the unit at Fort Bragg.

c. Induction, screening and personnel processing could be conducted at the selected installation. If desired, the armed forces staff could be accommodated at the selected site.

3. Training.

a. Initially members of the "Freedom Brigade" would undergo a modified form of individual training designed to prepare the individual for his part in the over-all unit training program. The initial training phase would also serve as a device to identify and earmark those with leadership potential and technical abilities.

b. In a second phase, the individuals would be given small unit training. In the advanced stages of unit training, infantry, artillery, armored, engineer, signal and other technical and administrative components would be integrated into a composite brigade.

c. In a third or final phase of training, the "Freedom Brigade" would conduct exercises with air and naval components, and would be given advanced leadership, staff and administrative training.

d. Particular emphasis would be placed on training of leaders, to include attendance at appropriate U.S. schools and assignments in an observer status with U.S. units and staffs. Technicians would be trained at appropriate U.S. installations during the last two phases of the training cycle.

e. It is envisioned that the initial or individual training phase would be of 8 to 16 weeks duration, depending upon the urgency. The second or unit training phase also could be conducted in a period of from 8 to 16 weeks. The final phase could be extended as desired.

f. In implementing the training program, initially the U.S. Army would draw a training cadre from among selected U.S. personnel. A substantial proportion of this U.S. cadre should be Spanish speakers.

g. If desired, language training and special indoctrination courses could be provided to meet the particular requirements of the personnel being trained.

4. Employment.

a. The "Freedom Brigade" could provide the cadre for a future Cuban Army and could be turned over to any government which the United States might recognize.

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b. Individuals or units could be withdrawn after the initial training phase for further specialized training in civil affairs/military government functions.

c. Individuals or units could, when desirable, be discharged from the U.S. Army and operate as a purely national force or as an element of any Caribbean Security Force.

5. Additional Uses.

If certain requirements of international law could be met or otherwise disposed of, other uses could be made of these individuals and units.

a. The "Freedom Brigade" could be used as the spearhead of any military invasion involving U.S. or selected OAS forces.

b. Individuals or units could be committed to guerrilla, unconventional, or psychological operations in conjunction with the employment of conventional elements of the "Freedom Brigade" or other U.S. forces.

c. Individuals or small units could be withdrawn after the initial training phase for further specialized training and subsequent commitment to independent guerrilla, unconventional, or psychological operations in Cuba.

6. Problem Areas.

a. Authority for increase of manpower ceiling.

b. Authority for necessary funding.

7. Cost

The following costs are based on order of magnitude estimates utilizing existing facilities at U.S. standards for a "Freedom Brigade" of approximately 3,000 men.

a. Initial investment cost \$6.2 million.

b. Annual operating cost \$23 million (includes personnel costs at U.S. standards).

This cost would be raised proportionately if the size of the force were increased. The cost would also be raised if additional training of civil affairs/military government or special forces personnel were undertaken.

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ANNEX D

AIR FORCE SEGMENT OF A PROPOSED FREEDOM BRIGADE

The Air Force does not consider it desirable to enlist Cuban exiles into the USAF, principally because a better way must be found to absorb, train, and retain the motivation of the substantial leadership potential available. This cannot be achieved solely by formation of a relatively small tactical unit within the Air Force.

Location

One of the former civilian contract flying schools in the south-east U.S. (Bartow, Graham, Bainbridge, Spence); contractor operated similar to former schools.

Organization

500-600 personnel (provided as a basic assumption); Squadron, or perhaps Wing and two squadrons to provide maximum staff training; liberal use of USAF advisors, the numbers to be scaled down as the organization attains self-sufficiency; approximately 25 aircraft; jet and conventional; any shortages in Cuban enlisted-type support personnel (maintenance, etc.) provided by the contractor.

Training

Previous flying experience prerequisite for flying personnel; many non-flying officer personnel with ratio of 1:1 officer to enlisted; enlisted and officer attendance at selected USAF schools; normal unit flying training, except emphasis on classroom-type work devoted to the tasks to be performed in assuming control in a Free Cuba; all air activity refugee personnel to be assigned to this organization. (There are 48 highly experienced pilots available now - for example, one is a former airline vice president.)

Employment

In order of priority:

1. Preparation to assume control of the Cuban Air Force in a Free Cuba.
2. Operational capability for clandestine and overt air operations.

Problem Areas

With the assumption of ready availability of resources, none internal to the AF

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Cost

Annual cost - \$11,000,000 approximately.

Annual Cost

Contractor Cost	\$3,500,000
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Personnel Cost

Exiles - 600 @ \$7,000 = \$4,200,000

U. S. Advisory - 100 @ \$7,000 = \$700,000

\$4,900,000

Aircraft Operations and Maintenance

25 aircraft x 360 hrs. @ \$250 per hour	\$2,250,000
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Formal Training

60 students @ \$3,500

\$ 200,000

TOTAL COST

\$10,850,000

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ANNEX E

U.S. NAVY SEGMENT OF A PROPOSED "FREEDOM BRIGADE"

1. The problem is to prepare Cuban refugees by training them to assume control of the Cuban government, the armed services and the public services.

2. The U.S. Navy contribution would be to establish and train a cadre of 500 to 600 men capable of taking over the functioning of a future Cuban Navy. The cadre would also be organized for combat operations.

3. Organization

a. A small naval headquarters organization would be established. 8 U.S. officers, 8 foreign officers, 20 U.S. enlisted men and 20 foreign enlisted men should be sufficient. It would be organized to administer the cadre and would train in the normal naval staff functions.

b. A naval force afloat would be formed. The force would be under U.S. flag and would consist of 2 APD. Logistic support for the ships would be provided from U.S. Navy logistic facilities. Personnel required for initial manning would be 12 U.S. officers, 22 foreign officers, 60 U.S. enlisted men, 360 foreign enlisted men. Additionally as the program developed, an air/ground amphibious support capability would be added.

c. The remainder of the cadre would be rotated to schools and special training, including air training, within the U.S. naval training establishment.

4. Location

The Headquarters unit should be located at the central headquarters for the combined Army/Navy/Air Force cadre organization. This would permit liaison and cross planning between the Services and simplify logistic problems. It would also permit centralized recruiting and screening of personnel. Ships would be based at an East Coast port. A liaison office would be provided ashore for the Division Commander of the ships.

5. Training

Initially, training for Headquarters personnel would be on-the-job training. After the organization became established, headquarters personnel could be rotated through appropriate schools. Enlisted basic training would be provided at one of the established U.S. Naval Training Centers. Basic training would consist of 10-13 weeks of language instruction plus 10 weeks basic enlisted training. Once facilities were ready, groups of fifty would enter training every two weeks.

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Upon completion of basic training, selected personnel would be sent to advanced Navy schools. The remainder would proceed to the ships. Some personnel previously qualified would not require basic training and could be assigned directly to the ship pre-commissioning details.

Experienced Cuban officers would be chosen to commission the ships. Thereafter, other Cuban officers would be trained on board. As sufficient officers became available, they would be rotated through various officer education and training courses within the regular naval establishment.

Once commissioned, the ships would enter into a normal training cycle. Amphibious operations would be stressed, but ships would be trained in all other aspects of naval warfare.

6. Employment

The ships would be employed in a regular training cycle in order to maintain a high degree of readiness. They would operate in the East Coast naval operating areas.

7. Problem Areas

As envisaged, the foreign personnel would be enlisted and commissioned in the U.S. Armed Forces. Enlisted personnel must be enlisted in the Regular Navy. Existing statutes prohibit their enlistment in the Naval Reserve. Aliens may not be commissioned in the Regular Navy but may be appointed as officers in the Naval Reserve. By law, alien U.S. officers cannot serve in a United States ship or vessel. Therefore, legislation would be required to permit the alien officers to serve in the ships as U.S. officers. An alternative would be to retain all aliens in enlisted status. The Cuban officers would be U.S. chief petty officers and it is believed that they would accept this status. They would be treated as officers on board ship.

The U.S. Navy does not have facilities and instructors for basic training of non-English speaking recruits. In order that each U.S. service would not be required to establish separate language facilities, English language instruction could be made the responsibility of one of the services.

Ships, funding, and personnel for this project should be in addition to present ceilings.

8. Estimated Costs (First year)

2 APD, make ready and commission	\$ 2,750,000
Annual upkeep of 2 APD's	600,000
Training	2,110,000
Pay and Support of personnel (724)	<u>4,344,000</u>
- Total	\$ 9,804,000

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ANNEX F

LEGAL ASPECTS

Problem: What are the legal aspects of preparing Cuban refugees for an eventual return to a free Cuba by overtly training them to assume control of the Government, the armed forces and the public services?

Assumptions:

1. The program will be undertaken without a declaration of war by the United States.
2. The training is not for the purpose of preparing refugees for an armed attack against Cuba, but for the purpose of taking over the administration of Cuba at such time as the Castro regime falls by force, infiltration, subversion or other means.

Questions:

1. Does the proposed course of action by the United States violate a legal duty provided by customary international law or treaties and conventions to which the Governments of Cuba and the United States are parties?
2. Is the answer to question 1 affected by (a) according belligerent status to the Revolutionary Council, or (b) recognition of the Revolutionary Council as the lawful Government of Cuba?
3. Does the proposed course of action violate any provisions of United States law?

I -- International Legal Responsibility of the United States Toward Cuba

Responsibility for international legal duties is a quality of every State as an International Person, without which the Family of Nations could not peaceably exist. An international delinquency is any injury to another State committed by a Government of a State in violation of an international legal duty. Every neglect of an international legal duty constitutes an international delinquency, and the injured State can, subject to its obligations of pacific settlement, through reprisals or even war compel the delinquent State to fulfill its international duties. "International delinquencies -- a term applying both to wrongs consisting of breaches of treaties and to wrongs independent of treaty -- may be committed in regard to different objects. Thus a State may be injured -- in regard to its independence through an unjustified intervention; in regard to its treaty rights through an act violating a treaty; or in regard to its right of protection over citizens abroad through any act that violates the person or the property of one of its citizens abroad." (Oppenheim's International Law, Lauterpacht, Vol. I, 8th Ed., 1952, p. 343).

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With respect to customary international law, however, it does not appear that preparing Cuban refugees for an eventual return to a free Cuba, after the fall of the Castro Regime, by overtly training them to assume control of the Government, the armed and the public services, would constitute an international delinquency where such training is not for the purpose of an armed attack against Cuba. It is conceded that such a course of action could be considered a discourteous or unfriendly act by the United States toward the Castro Government. An international delinquency, however, must not be confused with discourteous or unfriendly acts. Such acts are not illegal; on the contrary, they are acts that are within the competence of their author.

The question now arises whether the course of action proposed constitutes an international delinquency because of a breach of U.S. treaty obligations with Cuba or of international conventions to which the United States and Cuba are signatories. The former can be quickly disposed of. There are no provisions of bilateral agreements concluded with Cuba which would in any way affect the training of Cuban refugees in the United States.

Several problems arise however, with regard to existing international conventions. Since a declaration of war by the United States and an armed attack by Cuban refugees is not contemplated, there appear to be no difficulties with Articles 1 and 3 of the Inter-American Treaty of Reciprocal Assistance (Rio Pact) and Articles 17, 18 and 24 of the Charter of the Organization of American States which provide as follows:

Article 1

"The High Contracting Parties formally condemn war and undertake in their international relations not to resort to the threat or the use of force in any manner inconsistent with the provisions of the Charter of the United Nations or of this Treaty."

Article 3

"1. The High Contracting Parties agree that an armed attack by any State against an American State shall be considered as an attack against all the American States and, consequently, each one of the said Contracting Parties undertakes to assist in meeting the attack in the exercise of the inherent right of individual or collective self-defense recognized by Article 51 of the Charter of the United Nations.

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"2. On the request of the State or States directly attacked and until the decision of the Organ of Consultation of the Inter-American System, each one of the Contracting Parties may determine the immediate measures which it may individually take in fulfillment of the obligation contained in the preceding paragraph and in accordance with the principle of continental solidarity. The Organ of Consultation shall meet without delay for the purpose of examining those measures and agreeing upon the measures of a collective character that should be taken."

Article 17

"The territory of a State is inviolable; it may not be the object, even temporarily, of military occupation or of other measures of force taken by another State, directly or indirectly, on any grounds whatever. No territorial acquisitions or special advantages obtained either by force or by other means of coercion shall be recognized."

Article 18

"The American States bind themselves in their international relations not to have recourse to the use of force, except in the case of self-defense in accordance with existing treaties or in fulfillment thereof."

Article 24

"Every act of aggression by a State against the territorial integrity or the inviolability of the territory or against the sovereignty or political independence of an American State shall be considered an act of aggression against the other American States."

However, certain other Articles of the OAS Charter appear at least to touch on the subject problem and, therefore, must be considered. Article 15 provides:

"No State or group of States has the right to intervene, directly or indirectly, for any reason whatever, in the internal or external affairs of any other State. The foregoing principle prohibits not only armed force but also any other form of interference or attempted threat against the personality of the State or against its political, economic and cultural elements."

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Although the applicability of the above language is at best dubious, it is possible to argue that the formation of a cadre composed of Cuban refugees, even under the assumptions set out above, in fact poses a threat against the personality of Cuba as proscribed by this Article.

Article 16 provides:

"No State may use or encourage the use of coercive measures of an economic or political character in order to force the sovereign will of another State and obtain from it advantages of any kind."

It is unlikely that the mere existence of a Cuban cadre in the United States represents coercive measures of a political character. It would not be altogether unreasonable, however, if such an argument were put forward.

Article 25, which is similar to Article 6 of the Rio Pact, provides:

"If the inviolability or the integrity of the territory or the sovereignty or political independence of any American State should be affected by an armed attack or by an act of aggression that is not an armed attack, or by an extra-continental conflict, or by a conflict between two or more American States, or by any other fact or situation that might endanger the peace of America, the American States, in furtherance of the principles of continental solidarity or collective self-defense, shall apply the measures and procedures established in the special treaties on the subject."

Although doubtful, it is not inconceivable that the words "or by any other fact or situation that might endanger the peace of America" could be seized upon as applicable to the training of Cuban refugees in the United States.

In conclusion, it is not likely that any impartial authority would consider U.S. action in training Cuban refugees for the purposes described above a violation of the Articles quoted above. The line between violation and compliance, however, lies in our intention that such a group would not be used for aggressive action against the Castro regime. This intention, although plainly expressed, could possibly be subject to misinterpretation by the very fact that such training was being conducted in the United States coupled with our past actions and statements with respect to Cuba. It would most likely be seized upon by those nations which would normally seek any pretext to attack the United States. However, so long as our intentions were clearly expressed and overtly demonstrated, there is little possibility that the OAS would consider such charges even if they were raised by others. In any event, there would be little legal basis for such charges even if raised in an appropriate forum.

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II -- Effect of According Belligerent Status or Giving Formal Recognition to the Revolutionary Council

A. Neutrality is an attitude required by international law of impartiality during war toward the belligerent powers. The question arises here as to the necessary attitude of foreign States toward civil war. As civil war becomes real war through the recognition of the insurgents as a belligerent Power, there is no doubt that a foreign State according such recognition commits an international delinquency by assisting insurgents in spite of being at peace with the legitimate Government. Unless war were declared against the legitimate Government, international law would obligate the United States to remain neutral and thereby forego any support or assistance to the anti-Castro forces. It must now be asked, assuming that belligerent status were to be accorded the anti-Castro forces, whether the training of Cuban refugees so that they may assume control of the Government, the armed forces and the public services after the fall of the Castro regime constitutes a violation of international law standards of neutrality. It is clear that such action would not be considered such a violation. As pointed out by Oppenheim --

"In the first instance, neutral States are bound by certain duties of abstention, e.g. in respect of supply of loans and munitions to belligerents, which they are not bound to exact from their nationals. Secondly, Neutral States are under a duty to prevent their territory from becoming a theatre of war as a result of passage of foreign troops or aircraft or of prolonged stay of belligerent men-of-war in their territorial waters. Thirdly, they are bound to control the activities of their nationals insofar as they may tend to transform neutral territory into a basis of war operations or preparations." (Vol. II, 7th Ed., 1952, p. 656).

It is plausible to contend that the training of Cuban refugees to assume control upon the fall of the Castro regime can hardly be considered an impartial attitude toward that regime. However, since the training undertaken is not directly or indirectly related to the conflict between the insurgents and the government in power, it is believed that such an argument would have little weight. The conclusion reached in Part I, therefore, would not be affected even if the United States were to accord belligerent status to the anti-Castro forces.

B. Recognition -- de facto or de jure -- of a Provisional Cuban Government would only affect the legal conclusion reached in Part I above, if that conclusion were questioned in some international forum. In that event, the recognition of the Provisional Government would lend legal credence to the training of Cuban refugees in the manner suggested since there is no prohibition in treaty or customary international law which would prevent the United States from aiding the recognized government

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of another State in accordance with an appropriate request from the latter. In considering recognition of a provisional government, however, international law standards must be borne in mind.

"The bulk of the practice of States, at least that of Great Britain and of the United States, in the matter of recognition of Governments is based on the principle of effectiveness thus conceived. As a rule, that principle has been interpreted in the sense that the new Government must be supported by the 'will of the nation, substantially declared,' and that there must be evidence of popular approval, adequately expressed, of the revolutionary change." (Oppenheim's International Law, Lauterpacht, Vol. I, 7th Ed., 1952, p. 127).

It is the rule of the United States,

"... to defer recognition of another executive in its place until it shall appear that it is in possession of the machinery of that State, administering the government with the assent of the people thereof and without substantial resistance to its authority, and that it is in a position to fulfill all the international obligations and responsibilities incumbent upon a sovereign State under treaties and international law." (Secretary Hull to Representative Tinkham, May 16, 1936, contained in Hackworth, Digest of International Law, 1941, Vol. I, p. 175).

However, even if recognition were not accorded to a Provisional Government there would be no effect on the training of Cuban refugees since this action, as concluded in Part I, is not deemed to be a violation of treaty or customary international law. It would not, therefore, be necessary to accord recognition to a Cuban Provisional Government in order to supply a legal justification for such activities.

III -- Effect of United States Statutory Law

The provisions of the Neutrality Act of 1939 (22 U.S.C. 441 et seq.), which impose certain restrictions on persons within the United States to preserve neutrality and avoid involvement therein, do not apply under the present circumstances since they are operative only when the President has proclaimed that a state of war exists between foreign States.

In addition certain criminal provisions in the U.S. Criminal Code do not appear to present a serious bar to the action proposed; that of preparing Cuban refugees for return to a Free Cuba by overtly training them to assume control of administration and government. This, presumably, does not, or at least should not, involve destruction of property (18 U.S.C. 956) or a military or naval expedition against Cuba (18 U.S.C. 960), nor does it involve enlistment of persons in the military service of Cuba (18 U.S.C. 959) or United States citizens serving in war against Cuba (18 U.S.C. 958).

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